EVIDENCE—DECLARATIONS AS TO PEDIGREE.—In a suit for the partition of real estate, it was contended that G, who died seized of the property, was related to plaintiff, and in support of this contention witnesses were introduced who testified to declarations of G affirming such relationship. Evidence of these declarations was resisted on the ground that there was no independent proof that G was related by blood or marriage to the family to which the declarations referred. *Held,* that evidence of the declarations was, under the circumstances of this case, admissible. *Jarchow et al.* v. *Grosse* (Ill. 1912) 100 N. E. 290.

The court, while acknowledging the general rule that proof of the relationship of the declarant must be made dehors the declaration before evidence of the latter will be admissible, still asserts that "where it is sought to reach the estate of the declarant himself, and not to establish a right, through him, to the property of others, his declarations with reference to his family and kindred have been held admissible, though the relationship is not shown by other evidence." In relation to this topic the case of *Monkton* v. *Att'y-Gen'l,* 2 Russ. & M. 147, is applicable. Lord Chancellor BROUGHAM there states, "this documentary account was objected to, as not falling within the rule which admits hearsay or declarations of deceased persons in a question of pedigree, because (it was insisted) you must first give evidence dehors the declarations, to connect them with the parties respecting whom the declarations are to be tendered. I entirely agree, that in order to admit hearsay evidence in pedigree, you must, by evidence dehors the declarations, connect the person making them with the family. But I cannot go to the length of holding, that you must prove him to be connected with both the branches of the family, touching which his declaration is tendered. That he is connected with the family is sufficient; and that connection once proved, his declarations are then let in upon questions touching that family. * * * It is not more true that things which are equal to the same thing are equal to one another than that persons related by blood to the same individual are more or less related to each other." The declaration must have been uttered freely and naturally with no thought of future profit. Inscriptions upon tombstones, engravings upon rings, and similar evidence are admissible "upon the principle that they are the natural effusions of a party who must know the truth, and who speaks upon an occasion when his mind stands in an even position, without any temptation to exceed or fall short of the truth," *Whitelock* v. *Baker,* 13 Ves. 514; *Vowles* v. *Young,* 13 Ves. 140.

EVIDENCE—EXPERT TESTIMONY.—The admissibility of the opinion of an expert medical witness in respect to the extent of plaintiff's injury, the ailments claimed to have arisen therefrom, and their permanency, was involved. It appeared that the witness had never treated the plaintiff professionally, that he had, however, made two examinations for the purpose of qualifying as an expert witness, that at the time of such examinations there were no visible evidences of the injury, and that the opinion was founded upon the conditions then observed as well as upon the answers of the plaintiff to